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In re Application of	:	
LEE et al	:	DECISION ON
Application No.: 10/009,792	:	
PCT No.: PCT/KR01/00549	:	PETITION
Int. Filing Date: 31 March 2001	:	
Priority Date: 31 March 2000	:	UNDER 37 CFR 1.181
Attorney's Docket No.: HYLEE60.001APC	:	
For: ESCHERICHIA COLI STRAIN SECRETING	:	
HUMAN GRANULOCYTE COLONY STIMULATING	:	
FACTOR (G-CSF)	:	

This decision is in response to applicant's petition filed 22 November 2005, requesting correction of filing date which is being treated as a petition under 37 CFR 1.10(c) to accord a 35 U.S.C. 102(c)(1), (c)(2) and (c)(4) and 371 date of 13 November 2001 to the above-identified application. No petition fee is required.

BACKGROUND

The United States Elected Office (DO/EO/US) accorded a 35 U.S.C. 102(c)(1), (c)(2) and (c)(4) and 371 date of 13 December 2001 to the above-identified application.

On 22 November 2005, applicant filed the present petition, which included a copy of the Customer Receipt of the "Express Mail" mailing label "#EV037395037US." The mailing label was addressed to the "Assistant Commissioner for Patents, Washington, DC 20231-001, Attn: Box Patent App" and shows a "Date In" of "11/13" and a United States Postal Service plug stamp showing a date of "NOV 13 2001." The petition included a copy of a request mailed 08 January 2002 to correct the filing date and a postcard receipt stamped by the USPTO showing receipt of the request on 28 Jan 2002.

DISCUSSION

The evidence of record is sufficient to establish with reasonable certainty that the national stage papers were deposited with the United States Postal Service as an "Express Mail" Mailing on 13 November 2001. Specifically, the "Express Mail" label number ("#EV037395037US") appears on the Certificate of Mailing by "Express Mail" (37 CFR 1.10). The indication of the

"Express Mail" label number appearing on the Certificate of Mailing ties the "Express Mail" label and the Certificate of Mailing together such that it is clear that the national stage application was deposited on 13 November 2001.

CONCLUSION

Applicant's petition requesting that the application papers be accorded a 35 U.S.C. 102(c)(1), (c)(2) and (c)(4) and 371 date of 13 November 2001 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the International Division for treatment in accordance with this decision, that is for preparation and mailing of a corrected Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) and issuance of a corrected filing receipt.



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